

1.6

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
SOUTH BEND DIVISION

UNITED STATES OF AMERICA

Plaintiff,

v.

CONSOLIDATED RAIL COMPANY

Defendants.



AFFIDAVIT OF CLAUDE BREWTON

1. I am presently employed as a Lieutenant by the Elkhart Police Department, 175 Waterfall Drive, Elkhart, IN 46516.

2. From approximately 1962 to 1969, I was employed as a clerk at the rail yard in Elkhart, Indiana, which is currently owned by the Consolidated Rail Corporation ("ConRail"). In my capacity as a clerk at the rail yard, I was an IBM keypunch operator most of the time.

3. I worked in the office located below the hump tower in the rail yard. The hump was used to switch rail cars to their appropriate tracks. The rail cars were allowed to roll down the hump, during which time their speed was retarded before they were diverted to tracks in the classification yard.

4. I recall that sometime between 1966 and 1969 I was told of an incident on track number 69 which resulted in the release of carbon tetrachloride onto the ground of the rail yard. I have indicated the approximate location of track 69 on the attached abbreviated map of

the ConRail rail yard. I learned of the incident from another employee. I do not remember the name of the employee who first mentioned the incident.

5. After I learned that there was a gaping hole in the end of the tank car involved in the incident on track number 69, I checked the tank car's waybill. The waybill showed that the tank car contained carbon tetrachloride. It also showed that the total weight of the car and contents was 200,000 pounds plus. On a subsequent day, I saw the damaged tank car as it was being "humped" again to relocate it in the rail yard. There was a large hole in the west end of tank car. The hole was located in the mid to lower portion of the end of the tank. I am unaware of any attempt to reclaim the lost material. But some days following the incident, I saw a letter from ConRail to the tank car company advising the tank car company of the need to change the way the wheels were beveled on their cars due to difficulty in retarding the cars.

6. Employees speculated that the tank car containing carbon tetrachloride collided with another rail car on track number 69 with such force, that the east knuckle of the other rail car penetrated the west end of the tank car. It was speculated that the tank car had not been sufficiently retarded when it was rolling down the hump. I am unaware of witnesses to the incident.

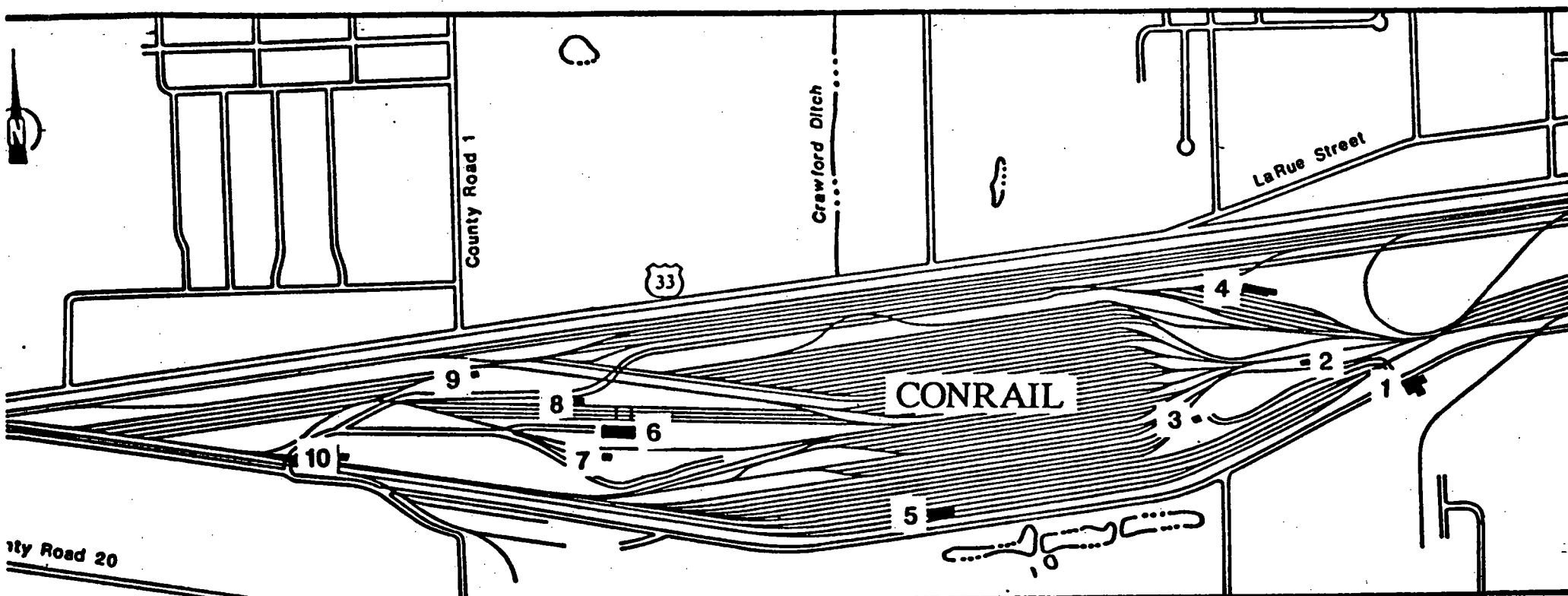
Claude M. Branton

I declare under the penalty of perjury that the statements contained in the foregoing Affidavit are true and correct to the best of my knowledge, information and belief.

1-2-90

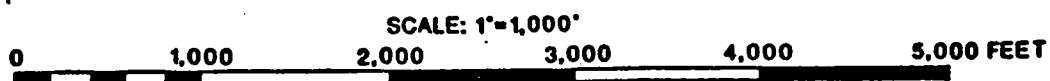
DATE

Claude M. Brewton
Claude Brewton



City Road 20

Ecology and Environment, Inc., 1988



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